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OFFICIAL

Docket No. 204,482

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT:	SAXENA ET AL.	EXAMINER	KENT BELL
SERIAL NO.:	09/539,992	GROUP:	1661
FILED:	March 30, 2000		
FOR:	A NEW AND DISTINCT SOMACLONAL VARIETY OF ROSE SCENTED GERANIUM "PARIMAL"		

August 13, 2004

**RESUBMISSION OF PETITION FOR REVIVAL OF  
UNINTENTIONALLY ABANDONED APPLICATION ON FEBRUARY 25, 2003**

OFFICE OF PETITIONS  
VIA FACSIMILE 703-872-9306  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On February 25, 2003, Applicants submitted the enclosed Petition for Revival of an Unintentionally Abandoned Application. As of this writing, no action had been received with respect to the Petition.

When the undersigned called the Petitions Office on August 13, 2004 on behalf of the Applicants, he was advised that the Petition for Revival of Unintentionally Abandoned Application had not been received or docketed by the USPTO.

Applicants enclose herewith a stamped self-addressed postcard which indicates that the Petition was received in the USPTO, and the stamped date comports with the mailing date of the Petition, February 25, 2003.

We also enclose a copy of the *negotiated* check which indicates that the USPTO received the \$1,300.00 which we paid for the revival of the application.

Applicants respectfully request that the Petition be considered immediately since it was lost or misplaced due to an error by the USPTO.

Respectfully submitted,

JAY S. CINAMON  
Attorney for Applicants  
Reg. No. 24,156

ABELMAN, FRAYNE & SCHWAB  
150 East 42<sup>nd</sup> Street  
New York, New York 10017  
(212) 949-9022  
(212) 949-9190

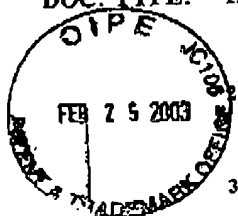
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**ABELMAN, FRAYNE & SCHWAB**

**Hon. Commissioner of Patents  
and Trademarks  
Date Stamp as acknowledgement  
of receipt of:**

Applicant: SAXENA ET AL.  
Serial No.: 09/539,992  
Filed: February 25, 2003  
FOR: A NEW AND DISTINCT  
SOMACLONAL VARIETY...

DOC. TYPE: 1. Petition for Revival  
of Unintentionally  
Abandoned  
Appln;  
Petition for  
Two Month  
Extension of  
Time;  
3. Check for  
\$1,300.00.



Docket: 204,482

Initials: JSC:bk

Date: February 25, 2003

GUARDIAN IS SAFETY		3 Check American SA	
FOR <u>50477</u>		PAY TO THE ORDER OF	
STERLING NATIONAL BANK 622 Third Avenue New York, NY 10017-5907		<b>ABELMAN, FRAYNE &amp; SCHWAB</b> COMMISSIONER ACCOUNT 150 EAST 42ND STREET NEW YORK, NY 10017	
⑆014264⑆ ⑆026007773⑆ 0811743001⑆		COMMISSIONER OF PATENTS AND TRADEMARKS	
		DATE <u>2/25/03</u> 1-777/200 A	
		THE SUM <u>1300.00</u> DOLLARS	
		14264	
		1-777/200 A	

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**Hon. Commissioner of Patents  
and Trademarks**  
Date Stamp as acknowledgement  
of receipt of:

Applicant:	SAXENA ET AL.
Serial No.:	09/539,992
Filed:	February 25, 2003
FOR:	A NEW AND DISTINCT SOMACLONAL VARIETY...
DOC. TYPE:	1. Petition for Revival of Unintentionally Abandoned Appln; 2. Petition for Two Month Extension of Time; 3. Check for \$1,300.00.

Docket: 204,482

Initials:

JSC:bk

Date:

February 25, 2003

OFFICIAL

AUG 13 2004

PTO/SB/84 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

204,482

First named inventor: Gauri SAXENA

Application No.: 09/539,992

Art Unit: 1661

Filed: 03/30/2000

Examiner: KENT L. BELL

Title: A NEW AND DISTINCT SOMACLONAL VARIETY OF ROSE SCENTED GERANIUM  
"PARIMAL"Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or Issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☐ Small entity-fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,300.00 (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
the form of Petition for two months' extension of time 37 CFR 1.136(a) (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_
- ☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_
- ☐ is enclosed herewith.

Burden Hour Statement  
the amount of time in  
20231, DO NOT SEND**STATEMENT OF FILING BY EXPRESS MAIL 37 C.F.R. § 1.10**This correspondence is being deposited with the United States Postal Service on  
February 25, 2003 in an envelope as "Express Mail Post Office to Addressee" Mailing Label  
Number ET 537 521 140 US addressed to the Honorable Commissioner for Patents,  
Washington, D.C. 20231.

PTO/SB/84 (10-01)

Approved for use 10/31/2002. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

2/25/03  
Date

Jay S. Cinamon  
Signature

Telephone  
Number: (212) 949-9022

JAY S. CINAMON  
Typed or printed name  
ABELMAN, FRAYNE & SCHWAB, 150 East  
42nd Street  
Address

Enclosures: ☒ Fee Payment

New York, NY 10017

- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-8918.

STATEMENT OF FILING BY EXPRESS MAIL 37 C.F.R. § 1.10

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Docket No.: 204,482

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: SAXENA ET AL. EXAMINER: KENT BELL

Serial No.: 09/539,992 ART UNIT: 1661

Filed: March 30, 2000

For: A NEW AND DISTINCT  
SOMACLONAL VARIETY  
OF ROSE SCENTED  
GERANIUM "PARIMAL"

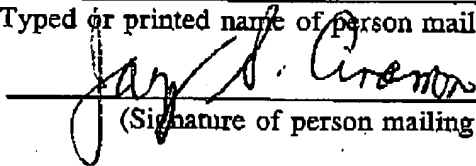
February 25, 2003

PETITION PURSUANT TO 37 CFR 1.136(a)

We request the response term be extended 2 months from March 12, 2002 to  
May 12, 2002. Charge any deficiency or other fees to Deposit Account No. 01-0035.

Jay S. Cinamon


(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)

STATEMENT OF FILING BY EXPRESS MAIL 37 C.F.R. § 1.10

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14264  
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 COLLECTOR SERVICE ASSOCIATES  
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